

<b>Description</b>	County Planning Board June 23, 2009		
<b>Date</b>	06/23/2009	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:03:27 PM</a>	President Kerry White	Call to Order. Members present: Kerry White, C.B. Dormire, Don Seifert, Julien Morice, Byron Anderson, and Marianne Jackson Amsden (7:00 PM). Members Absent: Gail Richardson, Mike McKenna, Susan Kozub, and Pat Davis. Staff Present: Planners Sean O'Callaghan and Warren Vaughan; County Administrator/Interim Planning Director Earl Mathers; and Recording Secretary Glenda Howze.	
<a href="#">6:03:41 PM</a>	President Kerry White	Public Comment.	
<a href="#">6:04:08 PM</a>		There was no public comment on matters not on the agenda.	
<a href="#">6:04:15 PM</a>	President Kerry White	Explanation of lack of quorum and how the meeting will proceed in light of the lack of quorum.	
<a href="#">6:06:13 PM</a>	President Kerry White	Approval of May 26, 2009 Minutes. The minutes could not be approved because of the lack of quorum. [Approved later with a quorum at 8:40:29.]	
<a href="#">6:06:18 PM</a>	President Kerry White	Planning Department Update.	
<a href="#">6:06:27 PM</a>	Sean O'Callaghan, County Planner	Presentation of a monthly report of Planning Department activity as requested previously by the Board.	
<a href="#">6:07:08 PM</a>	Warren Vaughan, County Planner	Update on Neighborhood Planning activities. [On June 22nd] the Amsterdam/Churchill Planning Group had their big community event where they presented the draft Amsterdam/Churchill Community Plan and they are making a big push to get that out and made public. It was a good meeting, lots of people showed up. They are going to have two more open houses through July to try and get many people involved in the process and get as much comment on the draft as possible. They will try to have a final public event in August and come before the Planning Board in early fall with an actual plan for the Churchill area. With Four Corners, that group is going in front of the Belgrade Planning Board next Monday and presenting the overlap area. This presentation will hand off the draft regulation to the Belgrade folks	

		for their review and consideration in conjunction with their own planning efforts. July 28th the Four Corner's group will come before the County Planning Board with everything from Hulbert south for the Four Corner's regulation.
<a href="#">6:08:48 PM</a>		Questions and discussion between Board members and Mr. Vaughan regarding his Neighborhood Planning update.
<a href="#">6:13:03 PM</a>	President Kerry White	Regular Agenda
<a href="#">6:13:05 PM</a>		a. Public Hearing and Decision [no decision/no quorum] on a Resolution Recommending to the County Commission that the Commission Adopt the North Gallatin Canyon Zoning Regulation and Zoning District Map.
<a href="#">6:13:20 PM</a>	Warren Vaughan, County Planner	Presentation.
<a href="#">6:19:04 PM</a>		Questions and discussion regarding the notice requirements, community involvement process, corrections (unsubstantial) to the staff report, and clarification of dates of publication and County Commission hearing.
<a href="#">6:24:05 PM</a>	Susan Achinapura	Applicant Presentation and introduction of other committee members. Also presented a binder to the Board containing all notices, public comments, the petition for creation, and other pertinent documents.
<a href="#">6:41:23 PM</a>	Julien Morice	Inquired about the number of ballots sent out, the population of the proposed district, and the percentage of responses received to date.
<a href="#">6:41:50 PM</a>	Susan Achinapura	134 letters and ballots were mailed out last Wednesday. To date 16 have been returned with 15 indicating support of the zoning district. The mailings were sent to 27 different states, so the response time may take awhile.
<a href="#">6:43:56 PM</a>	Public Comment.	Public Comment: Bill Lerch, Tom Reigelman, Louis Cantarutti, Janet Wittenberg, Ron Young, Colin Corcoran, Don Myers and Emil Erhardt; all in support of the zoning district creation.
<a href="#">6:55:37 PM</a>		Public comment closed.
<a href="#">6:55:41 PM</a>	President Kerry White	Provided further explanation of how the Planning Board will proceed with this item given the lack of a quorum.
<a href="#">6:57:12 PM</a>	Warren Vaughan, County Planner	Responded to the public comments made.

<a href="#">7:00:58 PM</a>	C.B. Dormire	Requested clarification on the statements made by Mr. Vaughan pertaining to public comment.
<a href="#">7:01:49 PM</a>	Don Seifert	Requested that the binder presented by Ms. Achinapura be entered into the record formally. Also questioned why MDT was in the position of granting the permit for the billboards if they aren't even located within MDT right-of-way.
<a href="#">7:02:51 PM</a>	Tom Reigelman	The reason why MDT issued the permit is because it is an unzoned area so they have jurisdiction.
<a href="#">7:03:34 PM</a>	Warren Vaughan, County Planner	It is all part of the Montana Outdoor Advertising Act. If you can see an off-premise sign that is visible from a state highway, then you have to get a permit from MDT. Described the permitting process and criteria for billboards.
<a href="#">7:05:33 PM</a>	Don Seifert	Inquired about other, non "billboard" type signs, such as those on one of the first slides and whether they are addressed in the regulation.
<a href="#">7:05:59 PM</a>	Tom Reigelman	We did put together requirements for allowed signs. We looked at the existing signs at legitimate businesses in the Canyon and made sure that they are allowed signs in the regulation. Also, temporary signs such as "For Sale" signs are allowed.
<a href="#">7:06:52 PM</a>	Warren Vaughan, County Planner	Suggested the Board look at page III-3 where the specific sign standards are listed.
<a href="#">7:07:12 PM</a>	Byron Anderson	Inquired about the length of the lease agreement was on the billboard sign with the Saunders Company.
<a href="#">7:07:33 PM</a>	Tom Reigelman	We have asked the owner of the land for a copy of the contract but we don't have that yet. Noted that he has spoken with Judy Tyler (land owner) and she indicated that she wants the sign down. She wasn't sure whether she and her husband would support the zoning or not.
<a href="#">7:08:28 PM</a>	Byron Anderson	Inquired if the zoning document is written in such a way that when the current lease runs out if the lessee has the option of entering into another lease. Also asked if it has enough "teeth" to have the sign removed or if the original lease has to be honored.
<a href="#">7:08:59 PM</a>	Tom Reigelman	In the beginning of the drafting we pulled the sunset clause from the Big Sky Zoning document, using that as an example. We decreased the number of years for a non-conforming sign to be in existence and then at the County Attorney's recommendation we made a further modification to limit the existence of a non-conforming sign to the time frame of the existing Montana Outdoor Advertising permit. They have a 3-year permit and it will

		be up in December 2010.
<a href="#">7:09:58 PM</a>	Warren Vaughan, County Planner	There are two pieces to how the sign stays on property. The first is the lease and the second is the permit itself. The permit is for three years and at the end of each three year period they have to renew it. What is in here is what we often call a sunset clause. It is categorized as a non-conforming use and at the end of the period of the lease they have to bring it into compliance.
<a href="#">7:10:46 PM</a>	Tom Reigelman	There is also a possibility that if the qualifying business that allowed the sign to be there in first place goes away, then it is possible that the sign will become illegal. This is according to federal and state rules.
<a href="#">7:11:59 PM</a>	President Kerry White	Addressed questions to Attorney Bremer asking if various parts of the regulation conform to state law.
<a href="#">7:15:29 PM</a>	Jecyn Bremer, Deputy County Attorney	I'm still working on reviewing this document. As I advised the parties here and Warren, as it is currently drafted I couldn't recommend that the Commission adopt it. I believe that there are some things that need to be made consistent and cleaned up. It does appear that some portions of the regulation may create a potential conflict and they will be looked at.
<a href="#">7:16:06 PM</a>	President Kerry White	Questions regarding the statutory questions and when those changes become effective.
<a href="#">7:16:42 PM</a>	Jecyn Bremer, Deputy County Attorney	County Attorney Lambert stated that the changes become effective immediately with the exception of those areas of HB 486 that have specific effective dates.
<a href="#">7:17:32 PM</a>	President Kerry White	Questioned whether the revised document will be re-circulated to everyone that the first draft was circulated to.
<a href="#">7:18:07 PM</a>	Jecyn Bremer, Deputy County Attorney	Explained the public notice provisions and when the amended document will be released to the public. The revised draft would not need to be re-circulated but would be made available to the public prior to the County Commission hearing on the matter.
<a href="#">7:20:30 PM</a>	C.B. Dormire	Noted concern regarding the meaning of the word "existing" in the section III-2, 3.03 and suggested clarification in the final document.
<a href="#">7:22:09 PM</a>	President Kerry White	Stated that this item will be put on July 14th Planning Board meeting agenda. Those Planning Board members not in attendance tonight will be asked to listen to the public testimony, look at the documentation and I will open the meeting back up to public comment and we will make a board decision at that time.

<a href="#">7:23:33 PM</a>	Byron Anderson	I move that the Gallatin County Planning Board recommend to the Gallatin County Commission to put in place a moratorium against billboards and unapproved signs in the area being proposed as the North Gallatin Canyon Zoning District allowing sufficient time for said zoning district to receive formal consideration.
<a href="#">7:24:05 PM</a>	C.B. Dormire	Second.
<a href="#">7:24:52 PM</a>		Board discussion.
<a href="#">7:24:59 PM</a>	Don Seifert	What does this do?
<a href="#">7:25:08 PM</a>	Jecyn Bremer, Deputy County Attorney	The motion is making a recommendation to the Commission and doesn't have anything to do with making a decision with regard to this regulation it is just a recommendation.
<a href="#">7:25:24 PM</a>	C.B. Dormire	Is there any legal basis on which to do such a thing?
<a href="#">7:25:43 PM</a>	Jecyn Bremer, Deputy County Attorney	I would have to look into it. The Commission would likely have to impose interim zoning for that area just for signs.
<a href="#">7:26:48 PM</a>		Discussion regarding time factors in implementing interim zoning and whether there are pending sign permit requests at the State that this moratorium would affect.
<a href="#">7:28:02 PM</a>	Warren Vaughan, County Planner	There was someone who came in the Planning Department two weeks ago with a signoff sheet for the area south of Gallatin Gateway, north of the boundary of this proposed district.
<a href="#">7:28:46 PM</a>		Vote: 4-1-1; Marianne Jackson Amsden abstained; Kerry White, Don Seifert, C.B. Dormire, and Julien Morice opposed.
<a href="#">7:30:24 PM</a>		Break.
<a href="#">7:37:55 PM</a>		b. Recommendation to the County Commission on Release of Request of Proposals for Wastewater Study.
<a href="#">7:38:21 PM</a>	President Kerry White	Opening presentation.
<a href="#">7:39:05 PM</a>	C.B. Dormire	Report and presentation of document created by the subcommittee.
<a href="#">7:57:59 PM</a>	President Kerry White	In interest in full public disclosure, it was my job within the committee to communicate with the Commission, County Administrator and Larry Watson in the Grants Department who graciously accepted the job of creating the RFP before you. In those communications there was communication between an

		engineering firm that might possibly be bidding on this in the future. I just wanted to explain the extent of that communication and have Larry and Jecyn weigh in on this as well.
<a href="#">7:58:58 PM</a>	Larry Watson, Grants and Projects Administrator	Explanation of the process to put together the RFP document and contact with Dave Aune, Great West Engineering regarding the feasibility of the RFP itself.
<a href="#">8:05:19 PM</a>	Jecyn Bremer, Deputy County Attorney	It sounds like Larry has addressed all the legalities. I will run the general routine practice by the other civil division attorneys for their input as well. This is different than ex parte discussions.
<a href="#">8:06:33 PM</a>	President Kerry White	On the \$45,000 that we requested, the estimated cost we received from Larry [Watson] we had put \$35,000 into our budget. In talking to the County Commissioners during their budget hearings, the Commission felt that they could fund the Gateway request and fund this. Our budget was increased to about \$210,000. Mr. Mathers seems to think the \$45,000 is reasonable, that the Commission would fund that and that it wouldn't jeopardize any of the other projects that we have going. Depending on when it goes out, we might have the opportunity to spread the payment of the study over two fiscal years.
<a href="#">8:08:37 PM</a>	Don Seifert	I can't add anything more to the discussion than what has been said. With that said, I'd like to make a motion. First, I want to make sure that the draft dated June 8, 2009 with the additions handed out this evening, the draft dated, June 22, 2009, become the final document with the additional edits mentioned in the meeting [tonight]. I would move that the Gallatin County Planning Board forward to the Gallatin County Commission the Planning Board Wastewater and Water Subcommittee's recommendation that they release the request for proposals; that they take the appropriate steps to cause the RFP to be issued at this time and provide the necessary funding in the Board's budget.
<a href="#">8:10:45 PM</a>	C.B. Dormire	Second.
<a href="#">8:10:52 PM</a>		Board discussion.
<a href="#">8:11:04 PM</a>	Don Seifert	Quality of life is the reason why a lot of us live here. There has been a lot of comment and a lot of discussion on maintaining that quality of the environment. In particular this study deals with the water quality, both surface and ground water. This will continue to take us down that road to take steps to maintain and improve the environmental quality of the Gallatin Valley. I think this is so

		necessary and I obviously will support the motion.
<a href="#">8:12:06 PM</a>	Marianne Jackson Amsden	I've never looked at one of these before, so I have no reference with which to evaluate it. I was immensely impressed with the organization, clarity and thoroughness of it. Questioned the language/caveat about the County reserving the right to reject or accept language.
<a href="#">8:13:07 PM</a>	Larry Watson, Grants and Projects Administrator	That is legal language that we put in every one of our proposals to protect the public's interest from having to award a contract that is deficient. We have no way to guarantee that every proposal will be in compliance. We also can't guarantee that there will be sufficient funding to award such a contract, so this is our protection.
<a href="#">8:13:38 PM</a>	Byron Anderson	Noted public thanks to the subcommittee, to C.B. for all of his time, and to Mr. President for attending all of the subcommittee meetings. Asked C.B. if he feels that over the course of time that you have got the proper amount of public feedback from communities that are concerned about this, i.e., developers, landowners, etc. Has the scope of work been developed so that we will get the answers that everyone, including the concerned public, has been asking for?
<a href="#">8:15:15 PM</a>	C.B. Dormire	Yes, I think I would turn it just a little differently. We got the input that we felt was necessary to enable us to construct something that was sensible, useful, practicable, and that is what we have. I feel good about it.
<a href="#">8:15:50 PM</a>	Julien Morice	I agree with what Byron was saying. It is an impressive document and I'm certainly amazed at the work that has gone into it. I will support it as well
<a href="#">8:16:08 PM</a>	C.B. Dormire	I would just add that as we all know in the retreat and subsequently the Commission has emphasized that they think the wastewater effort of the Board retains a high priority. Their concerns were budgetary concerns, not with the necessity of it. This follows an initiative that began with the Commission and has been supported throughout by the Commission. They are fully apprised of it and it shouldn't be a surprise to them.
<a href="#">8:17:38 PM</a>	Marianne Jackson Amsden	Do you know if the Commission had the same idea in mind for the boundary?
<a href="#">8:17:47 PM</a>	C.B. Dormire	They have seen that boundary and the definition of withdrawing certain areas as it developed. It is fair to conclude that they are fully on board with that [the boundary in the RFP].
<a href="#">8:18:10 PM</a>		Vote: Unanimous.
<a href="#">8:18:54 PM</a>	Don Seifert	Requested that the Commission and the Chairman of the



		wastewater subcommittee consider that the chairman be available to help the Commission with selection process. There may be some nuances to this that the Chairman would be able to help explain and clarify for the Commission and for the potential contractors.
<a href="#">8:19:57 PM</a>	Larry Watson, Grants and Projects Administrator	I have templates for the review of the proposals, format of the interviews, scoring of the interviews, everything to carry you through the qualifications based selection process. I'd be happy to modify those templates and to coach your committee through this process of reviewing the proposals, interviewing and negotiating the contract. Usually the committee would do the selection process and make a recommendation to the Commission - the Commission isn't generally involved at this point.
<a href="#">8:21:54 PM</a>	President Kerry White	I would like a motion from the Board to fund the study for \$45,000. This would move some money around in our 300 account. The \$45,000 is in the study RFP request to the Commission, but a formal request to move that money would be good to have on record.
<a href="#">8:22:34 PM</a>	Marianne Jackson Amsden	Which fiscal year is this funding coming from?
<a href="#">8:22:37 PM</a>	President Kerry White	The \$45,000 needs to be moved but it doesn't matter which year it is done in.
<a href="#">8:22:45 PM</a>	Sean O'Callaghan, County Planner	Distributed copies of the Planning Board's requested budget and provided an explanation of the modifications that the County Commissioners made during their preliminary budget deliberations. The Commissioners changed the the transfer of funds to the Planning Department back to the original allocation and they determined to fund the Board for the full amount of mills which should be around \$203,510. If all line items are kept the same with the exception of the 820 fund, this leaves a balance for lines items for 350 and 390, the discretionary funds, of \$54,716. If we take away the \$15,000 to give to Gallatin Gateway that leaves a balance of \$39,716. There has been an additional change to the total budget just today bringing the overall budget to around \$210,000, which ends up with \$61,206 between line items 350 and 390. After the \$15,000 reduction there is approximately \$46,000 for other projects. In talking to Earl, there may be some areas that the budget committee could cut from to be able to fund other priority projects.
<a href="#">8:27:23 PM</a>	Byron Anderson	Expressed curiosity as to why if the Commission felt they needed to give the whole \$119,000 to the Planning Department, why the \$15,000 for the Gateway study couldn't have been taken out of



		those funds instead of out of the rest of our budget.
<a href="#">8:28:04 PM</a>	President Kerry White	Our budget did go from \$185,000 to approximately \$210,000, up \$25,000 from our original request. They took another \$36,000 to give to staff so in fact they decreased our budget by \$10,000 from what we had originally requested.
<a href="#">8:28:50 PM</a>		Further discussion regarding the budget and allocation of funds within it and to the Planning Department.
<a href="#">8:30:52 PM</a>	Byron Anderson	I would also say that if we want to critique these bids that come in very closely. Bids on private projects are coming in lower and they should for government projects as well.
<a href="#">8:31:37 PM</a>	President Kerry White	The original RFP draft that was given to us did not have an amount for the maximum bid. We could get region wide bids on this, so the \$45,000 is a maximum but we could get a great product for a lot less than the \$45,000. With the scope of work and what we're looking for as a product, it is important that we get that extra \$10,000. That \$45,000 might be more enticing to more firms and competitors coming in and may get a higher quality product.
<a href="#">8:32:55 PM</a>		Discussion regarding when the budget is finalized. The responses to the proposals may be back before the budget is actually finalized.
<a href="#">8:33:44 PM</a>	President Kerry White	I don't need a formal motion to approve the \$45,000 but a feeling from the board that it is appropriate to increase the 390 account to that amount would be good.
<a href="#">8:34:27 PM</a>	Glenda Howze, Recording Secretary	July 7th is the first preliminary budget presentation. Generally the budget doesn't change much from that, but there are 3 or more hearings where the public and departments can come and give the Commission their pitch on a change to the preliminary budget.
<a href="#">8:35:35 PM</a>	Marianne Jackson Amsden	Stated that if there is only an extra thousand dollars available to be spent on other projects, this seems inadequate. Requested that if there is anything that can be done to ensure that the whole amount doesn't come out of the FY 2010 budget that would be good so that there could be more available for other projects.
<a href="#">8:36:40 PM</a>		Discussion regarding attendance at the preliminary budget hearings to express the Board's concerns and arguments for a revised budget.
<a href="#">8:38:47 PM</a>	Byron Anderson	Offered to make himself available to be present at the County Commission preliminary budget hearings if Kerry and C.B. would accompany him.
<a href="#">8:40:29 PM</a>	President Kerry White	Approval of May 26, 2009 Minutes.

<a href="#">8:40:37 PM</a>		The minutes stand approved as presented.
<a href="#">8:40:44 PM</a>	President Kerry White	Other Business.
<a href="#">8:40:50 PM</a>	President Kerry White	I attended the multi-county workshop and idea exchange in Boulder. It was well attended by planners, planning staff, county commissioners, attorneys, etc. from various counties. It was very informative. Gallatin County was well represented.
<a href="#">8:42:04 PM</a>	Glenda Howze, Commission Assistant	The Commissioners sent the Planning Board a memo in response to the request by the Planning Board for some criteria with which to apply to funding requests. Mike McKenna came into the Commission Office and requested more details than the memo provided. The Commission asked that the following message be conveyed to the Board: The Commission prefers that no criteria be developed and that each request be considered on its own merit. However, if the Planning Board wishes to develop such a criteria it is welcome to, noting that the Commission does make the ultimate funding decision. If the Planning Board wishes to proceed with developing the criteria, the Commission welcomes them to do so and asks that they run that criteria past the Commission when it has been drafted and then suggests a joint meeting be held to discuss the draft before it is adopted.
<a href="#">8:43:40 PM</a>		Meeting adjourned.